12 March 1987 OCA 87-0911

MEMORANDUM FOR: D/ICS

DDS&T

Comptroller AG/L&ICA/OGC AGC/DDO

FROM:

Legislation Division

STAT

Office of Congressional Affairs

SUBJECT:

H.R. 1131

- 1. Attached is a copy of H.R. 1131, a bill introduced by HPSCI Chairman Stokes, to repeal Sections 9126 and 9133 of last year's Department of Defense Appropriations Act. As you recall, those sections had overridden Section 502 of the National Security Act of 1947, which otherwise bars the obligation or expenditure of funds not specifically authorized. Enactment of Sections 9126 and 9133 had been secured by the appropriations committees so as to allow the expenditure of funds for a particular program which they had appropriated but which the intelligence authorization committees had not authorized.
- 2. This bill, in effect, undoes Sections 9126 and 9133, thereby restoring the original state of affairs. It is the response of the HPSCI "authorizers" to the "appropriators" success of last year and as such is only the latest "volley" in the continuing struggle between the two groups.
- 3. It is possible that the substance of the bill could be added to the HPSCI version of the intelligence authorization bill. The "appropriators," however, could respond by again undoing the original restriction as they did last year. We will, in any event, keep you informed of the bill's progress. To date, there is no Senate companion.

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Attachment:

as stated

Distribution:

- 1 Each Addressee
- 1 D/OCA
- 1 DDL/OCA
- 1 DD/SA/OCA
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- 1 OCA Registry
- 1 OCA/LEG Signer
- 1 OCA/LEG/Subject File: Intel. Auth.

STAT

100TH CONGRESS 18T SESSION

H. R. 1131

To require that fiscal year 1987 intelligence funds be specifically authorized by the Congress.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 1987

Mr. STOKES introduced the following bill; which was referred to the Permanent Select Committee on Intelligence

A BILL

To require that fiscal year 1987 intelligence funds be specifically authorized by the Congress.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 That notwithstanding section 9126 or section 9133 of the
- 4 Department of Defense Appropriations Act, 1987 (Public
- 5 Law 99-500 and Public Law 99-591), only funds specifically
- 6 authorized by the Congress in accordance with section 502 of
- 7 the National Security Act of 1947 may be obligated or ex-
- 8 pended for intelligence or intelligence-related activities.

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imbursed pursuant to subsection (a) per centum thereof shall be paid or agent or attorney on account of serv. h such reimbursement, and the same ct to the contrary notwithstanding. his section is a misdemeanor punish.

ЮО. ds the Secretary of Defense shall take velopment of planning, research, and and related matters and shall develroelectronics design research and derestricted to military components reray Differential Equation Machine. any other provision of law, appropriament of Defense during the current to make payments to a hospital that

its operating funds from contributions rovides to the treatment of heart and at payment may not be denied for a able services submitted under a plan 1079(a) and 1086(a) of title 10, United s that such hospital does not impose a patient cost share or deductible, on its

g the provisions of subsection 502(a)(1) of 1947, funds appropriated by this Act ed for particular intelligence activities ided, That the funds appropriated or may be obligated and expended for the d in this Act should the enactment of a tion Act for fiscal year 1987 fail to n be considered to provide the authorithority necessary to obligate and expend

ig any other provision of law, where an four or greater in a financial ratio is n application for extension made by any F.R. Section 124.1—(1)(f)(4)(i) (effective um extension shall be granted.

nds provided by this Act may be used to on or persons who authorize the transfer ated appropriations into the Reserve for Intelligence Agency.

appropriated in this Act for the procure Secretary of the Navy may carry out classified Maritime Surveillance Agree. hat two of the P-3C aircraft to be proplement United States obligations under

opriated by this Act for construction lligence Agency, which are transferred to on, shall remain available until expend135

SEC. 9131. Section 642 of S. 2638, as passed by the Senate on August 9, 1986, shall be deemed to be enacted into law as fully as if get forth herein: Provided, That the total amount herein appropriset for "Military Personnel" appropriations accounts shall be reduced by \$350,000,000.

SEC. 9132. During the current fiscal year, the Department of Defense shall conduct a new competition for 9mm handguns, with procurement starting in fiscal year 1988 in parallel with the current

SEC. 9133. Funds appropriated to the Department of Defense contract. during fiscal year 1987, or otherwise available for obligation during fiscal year 1987, shall be available for obligation notwithstanding any provisions contained in any Act authorizing appropriations for the Department of Defense for fiscal year 1987, heretofore or hereafter enacted, that would otherwise limit obligations of the aggregate amount that may be obligated at the appropriation account level, amount that may be obtiguised at the appropriation account were, appropriations subdivision level, or appropriation budget activity level, unless a subsequently enacted provision expressly and specifically references this provision and directly amends or repeals this

SEC. 9134. (a) Notwithstanding any other provision of this Joint provision Resolution, none of the funds appropriated in this or any other Act shall be used to sell, lease, transfer, or otherwise dispose of any portion of the approximately twenty-six acres of Fort DeRussy, Hawaii, lying southwest of Kalia Road, which includes the Hale Koa Hotel,

the Armed Forces Recreation Center, and beachfront area. (b) Notwithstanding any other provision of this Joint Resolution, to include section 509 of the Department of the Treasury, Postal Service, and General Government Appropriations Act as contained in this Joint Resolution, or any other provision of the law, including section 809 of the Military Construction Authorization Act, 1968, section 807(d) of the Military Construction Authorization Act, 1984, or any other provision of an annual Appropriation Act restricting use of funds for the sale, lease, rental, or excessing of Fort DeRussy, Hawaii, any right or interest of the United States in the remaining forty-five acres of Fort DeRussy, Hawaii, lying northeast of Kalia Road, which comprises the three United States Army Reserve Centers and miscellaneous facilities, may not be sold, leased, or transferred in accordance with Federal laws and Department of or transferred in accordance with rederal taws and Department of Defense regulations governing the disposal of Defense installations prior to August 1, 1987: Provided, That no such sale, lease, transfer, or other disposition proposed by the Secretary of the Army after or other disposition proposed by the Secretary of the Army after August 1, 1987 shall occur until 60 legislative days after notification of the proposed action to the Committee and Secretary of the proposed action to the Committee and Secretary of the proposed action to the Committee and Secretary of the proposed action to the Committee and Secretary of the proposed action to the Committee and Secretary of the proposed action to the Committee and Secretary of the proposed action to the Committee and Secretary of the proposed action to the Committee and Secretary of the Army after action to the Committee and Secretary of the Army after action to the Committee and Secretary of the Army after action to the Committee and Secretary of the Army after action to the Committee and Secretary of the Army after action to the Army action tion of the proposed action to the Committees on Armed Services and Appropriations of the House of Representatives and Senate.

(c) The exact acreage and legal descriptions of the property ad-

dressed by this section shall be determined by surveys which are sat-

isfactory to the Secretary of the Army.

Sec. 9135. None of the funds appropriated or otherwise made available by this or any other Act may be obligated or expended during fiscal year 1987 for, or in connection with, a Strategic Defense Initiative Institute unless-

(1) obligation or expenditure of funds for such purpose is specifically authorized by law in an Act other than this Act; and (b) No part of any amount reimbursed pursuant to subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such reimbursement, and the same shall be unlawful, any contract to the contrary notwithstanding. Violation of the provisions of this section is a misdemeanor punishable by a fine not to exceed \$1,000.

SEC. 9124. From existing funds the Secretary of Defense shall take additional steps for further development of planning, research, and facilities for physical acoustics and related matters and shall develop facilities for advanced microelectronics design research and development including but not restricted to military components replacement and the Mapped Array Differential Equation Machine.

SEC. 9125. Notwithstanding any other provision of law, appropriations available to the Department of Defense during the current fiscal year shall be available to make payments to a hospital that obtains 12 percent or more of its operating funds from contributions and that limits the care it provides to the treatment of heart and lung conditions: Provided, That payment may not be denied for a claim for otherwise reimbursable services submitted under a plan contracted for under sections 1079(a) and 1086(a) of title 10, United States Code, solely on the basis that such hospital does not impose a legal obligation, including a patient cost share or deductible, on its patients to pay for such services.

SEC. 9126. Notwithstanding the provisions of subsection 502(a)(1) of the National Security Act of 1947, funds appropriated by this Act may be obligated and expended for particular intelligence activities contained in this Act: Provided, That the funds appropriated or made available by this Act may be obligated and expended for the particular activities contained in this Act should the enactment of a National Defense Authorization Act for fiscal year 1987 fail to occur and this Act shall then be considered to provide the authorization and appropriation authority necessary to obligate and expend

the funds provided herein.

SEC. 9127. Notwithstanding any other provision of law, where an error of the magnitude of four or greater in a financial ratio is made in the evaluation of an application for extension made by any firm in accordance with C.F.R. Section 124.1—(1)(x/x/4)(x/4) (effective January 1, 1986), the maximum extension shall be granted.

SEC. 9128. None of the funds provided by this Act may be used to pay the salaries of any person or persons who authorize the transfer of unobligated and deobligated appropriations into the Reserve for

Contingencies of the Central Intelligence Agency.

SEC. 9129. Of the funds appropriated in this Act for the procurement of P-3C aircraft, the Secretary of the Navy may carry out Navy obligations under the classified Maritime Surveillance Agreement of 1986: Provided, That two of the P-3C aircraft to be procured may be used to implement United States obligations under such classified agreement.

SEC. 9130. Funds appropriated by this Act for construction projects of the Central Intelligence Agency, which are transferred to another Agency for execution, shall remain available until expend-

ed.

SEC. 9131. Section 642 of S. August 9, 1986, shall be deemed set forth herein: Provided, Thated for "Military Personnel" duced by \$350,000,000.

SEC. 9132. During the curren fense shall conduct a new comp curement starting in fiscal year

contract.

SEC. 9133. Funds appropriaduring fiscal year 1987, or othe fiscal year 1987, shall be availany provisions contained in an the Department of Defense for ter enacted, that would otherw amount that may be obligated appropriations subdivision level, unless a subsequently encally references this provision provision.

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(b) Notwithstanding any oth to include section 509 of the Service, and General Governm in this Joint Resolution, or an ing section 809 of the Milite 1968, section 807(d) of the Mili 1984, or any other provision stricting use of funds for the s DeRussy, Hawaii, any right of remaining forty-five acres of F of Kalia Road, which compris serve Centers and miscellaneo or transferred in accordance u Defense regulations governing prior to August 1, 1987: Provid or other disposition proposed August 1, 1987 shall occur ui tion of the proposed action to and Appropriations of the Hou (c) The exact acreage and

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